

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

TRACI GILBERT, *individually, and on behalf  
of others similarly situated,*

Plaintiff,

vs.

LELAND ENTERPRISES, INC.,

Defendant.

Civil Case No.: 5:18-cv-00043-TES

**JOINT STIPULATION OF DISMISSAL WITHOUT PREJUDICE**  
**PURSUANT TO FRCP 41(a)(1)(A)**

WHEREAS, Plaintiff TRACI GILBERT commenced this action, on January 31, 2018, against Defendant LELAND ENTERPRISES, INC. claiming violations of Fair Labor Standards Act (“FLSA”) related to non-payments of overtime wages;

WHEREAS, after being served a Notice of Lawsuit and Request to Waive Service of Summons, Defendant raised that there is an arbitration clause calling for resolution of all disputes and claims before an arbitrator in Orange County, Florida approved by the American Arbitration Association (“AAA”); and

WHEREAS, Plaintiff filed a Demand for Arbitration with the AAA on or around March 14, 2018 and the Parties have commenced an arbitration proceeding.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the Parties hereto, through their respective attorneys of records, that the Complaint filed by Plaintiff will be dismissed without prejudice pursuant to Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure.

Dated this 29th day of March, 2018

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